

**APPEAL, DeBN-Yes, DISMISSED**

**U.S. Bankruptcy Court  
Western District of Texas (Austin)  
Bankruptcy Petition #: 20-10887-tmd**

Assigned to: Bankruptcy Judge Tony M. Davis  
Chapter 11  
Voluntary  
Asset

Date filed: 08/05/2020  
Debtor dismissed: 09/14/2020  
341 meeting: 09/01/2020  
Deadline for filing claims: 11/30/2020

Debtor disposition: Dismissed for Other Reason

**Debtor**  
**WC 3rd and Congress, LP**  
814 Lavaca St.  
Austin, TX 78701  
TRAVIS-TX  
Tax ID / EIN: 80-0880413

represented by **Mark H. Ralston**  
13155 Noel Road  
Suite 700  
Dallas, TX 75240  
214-499-5544  
Fax : 214-499-5501  
Email: [mrRalston@fjrpllc.com](mailto:mrRalston@fjrpllc.com)

Filing Date	#	Docket Text
10/13/2020	<u>82</u>	Appellant's Designation of Contents and Issues For Inclusion In Record On Appeal Filed by Mark H. Ralston for Debtor WC 3rd and Congress, LP (Ralston, Mark) (related document(s): <u>78</u> Notice of Appeal Filed by Mark H. Ralston for Debtor WC 3rd and Congress, LP ( Filing Fee:\$ 298.00 ) (Ralston, Mark) (related document(s): <u>59</u> Order Dismissing Case (related document(s): <u>10</u> Motion to Dismiss Case, Or, In The Alternative, For Declaration That Receiver May Remain In Charge Of The Debtors In Possession filed by Rhonda Bear Mates for Interested Party Gregory S. Milligan,and Order Dismissing Case <u>14</u> Motion to Dismiss Case filed by William H. Daniel for Interested Party The Roy F. & Joann Cole Mitte Foundation (Attachments: # 1 Exhibit A # 2 Proposed Order)) (Order entered on 9/14/2020)), <u>79</u> Notice to District Court of Filing of Notice of Appeal (Appeal filed by WC 3rd and Congress, LP) – Pursuant to Fed. R. Bankr. P. 8003(d), the Bankruptcy Clerk has transmitted the notice of the appeal filed in case number 1:20-bk-10887 (Wallace, Adam) (Attachments: # 1 Order # 2 Docket # 3 Party List)(related document(s): <u>78</u> Notice of Appeal Filed by Mark H. Ralston for Debtor WC 3rd and Congress, LP ( Filing Fee:\$ 298.00 ) (Ralston, Mark) (related document(s): <u>59</u> Order Dismissing Case (related document(s): <u>10</u> Motion to Dismiss Case, Or, In The Alternative, For Declaration That Receiver May Remain In Charge Of The Debtors In Possession filed by Rhonda Bear Mates for Interested Party Gregory S. Milligan,and Order Dismissing Case <u>14</u> Motion to Dismiss Case filed by William H. Daniel for Interested Party The Roy F. & Joann Cole Mitte Foundation (Attachments: # 1 Exhibit A # 2 Proposed Order)) (Order entered on 9/14/2020))))

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**IN RE:**

**WC 3<sup>rd</sup> and COLORADO LP,  
  
Debtor.**

§  
§  
§  
§  
§

**CASE NO. 20-10887-tmd**

**DEBTOR'S STATEMENT OF ISSUES  
ON APPEAL AND DESIGNATION OF THE RECORD**

In accordance with Bankruptcy Rule 8009(a), Debtor WC 3<sup>rd</sup> and Colorado, LP, (“**Debtor**”) hereby submits its statement of issues and designation of the record regarding Debtor’s appeal from the *Order Granting Motion to Dismiss Case* [Doc 59].

**I. STATEMENT OF ISSUES**

Did the Bankruptcy Court err as a matter of law in determining that the Debtor, through its general partner, lacked the authority to file a voluntary petition for voluntary relief under section 301 of the Bankruptcy Code?

**II. DESIGNATION OF RECORD ON APPEAL**

Debtor designates the following items for inclusion in the record on appeal:

<b><u>Description</u></b>	<b><u>Filing Date</u></b>	<b><u>Docket No.</u></b>
Voluntary Petition	08//05/20	1
Motion to Dismiss (Milligan)\	08/07/20	10
Motion to Dismiss (Mitte)	08/11/20	14
Response of Debtor to Motions to Dismiss	08/24/20	40
Reply (Mitte)	08/26/20	42
Reply (Milligan)	08/26/20	43

Sur-Reply (Debtor)\	09/01/20	51
Order Granting Motions to Dismiss	09/14/20	59

Dated: the 13<sup>h</sup> day of October 2020.

Respectfully submitted,

/s/ Mark H. Ralston  
 Mark H. Ralston  
 Texas State Bar No. 16489460  
 Fishman Jackson Ronquillo PLLC  
 13155 Noel Road, Suite 700  
 Dallas, TX 75240  
 Telephone: (972) 419-5544

ATTORNEYS FOR DEBTOR  
 WC 3<sup>rd</sup> AND CONGRESS LP

**CERTIFICATE OF SERVICE**

I certify that on the 13th day of October 2020, a true and correct copy of the foregoing document was sent to all parties receiving notice through the ECF System in this Bankruptcy case and to following via first-class mail:

Stephen W. Lemmon  
 Streusand, Landon, Ozburn  
 & Lemmon LLP  
 1801 S. MoPac Expressway  
 Suite 320  
 Austin, TX 78746

William H. Daniel  
 McGinnis Lochridge LLP  
 600 Congress Avenue  
 Suite 2100  
 Austin, TX 78701

/s/ Mark H. Ralston  
 Mark H. Ralston